

WATER COMMITTEE
OCTOBER 22, 2008
MINUTES

MEMBERS PRESENT: Pete Frisina, Chairman
Chris Clark, Vice Chairman
Tony Parrott
Jack Krakeel
James K “Chip” Conner

NON-VOTING MEMBERS: David Jaeger
STAFF PRESENT: Russell Ray
GUEST: Jeff Carson

The meeting was called to order by Chairman Pete Frisina at 8:00 A.M.

I. APPROVAL OF MINUTES FROM THE MEETING ON SEPTEMBER 24, 2008.

Tony Parrott made the motion and Chip Conner seconded, to approve the minutes from the meeting on September 24, 2008. There was no opposition.

II. JEFF CARSON FROM PATHWAYS TO DISCUSS FLOOD EASEMENT.

Mr. Carson introduced himself to the committee. He is the land development manager for Pathway Communities. He explained that they have a piece of property, about thirty seven acres, that will be just to the east of the proposed Lake McIntosh. In doing the research on their property and looking at trying to rezone it, they found a flood easement that hits on the property. At the time, they did not really understand why it was where it was. It did not seem to make sense with what he thought the normal pool elevation of the lake was going to be. Since then, he talked to David Jaeger and got further information and now he understands more about why that easement is where it is. It does impact their property to some extent. What he wants to do now is keep up to date with where we are on Lake McIntosh and what is going on with it, so they know how that is going to impact their property as they move forward trying to rezone and develop it.

Mr. Jaeger explained that the easement Mr. Carson is discussing is the designed flood easement which is intended to be ten feet vertical above normal pool, 780 being normal pool. The County owns above that and the elevation varies in some places, but then there is an easement up to 790. The way the easement was described is an approximation of the 790 contour.

Mr. Carson said that they had some old topo from way back. It wasn't lining up and did not seem to make sense with that easement. They have since had somebody

go out and actually field locate the 790 contour. Now he can see why the easement is where it is based on the 790.

Mr. Jaeger stated that he has not looked specifically at this property, but his understanding is that the county owns up to about 785, around the perimeter of the lake. Then there is this easement to the elevation 790.

Chris Clark asked how many acres Mr. Carson estimates will be affected by our easement. Mr. Carson replied that it probably is a little less than two. The property is currently zoned Industrial. They are looking to rezone it to Residential. It is located where the golf course is going to hit the east side of Lake McIntosh. They are just on the hill, overlooking the golf course. The 790 hits the southwest corner of their property.

III. LINE EXTENSION DISCUSSION.

Mr. Parrott explained that a gentleman had complained about our water line extension policy. He is in a subdivision that has lots of varying sizes. We charge according to the lots front footage. He has around 300 feet of frontage. In the cul-de-sac, they have 68. We charge \$3.50 per foot for a line extension, so he has to pay a little bit more than the one in the cul-de-sac. This gentleman thinks that we should take the whole street, and divide it among everybody. When Mr. Parrott asked him about the road leading off it, he said that was not a subdivision and we could do whatever we wanted to do. He wanted something to make his price less for his lot. A corner lot, as part of the policy is whichever is the shorter of the two frontages. No matter what size your frontage is, you don't pay less than \$400.00. Most lots in subdivisions are seldom more than 200 foot frontage.

Mr. Parrott went on to explain the reason we did not break this up, is in some of the older subdivisions, there are some six acre lots that have almost 700 feet of frontage. He went on to say that he does not recommend changing the policy, it seems to be working well, and this is just one complaint.

Commissioner Smith asked about the previous policy. Mr. Parrott explained that if someone wanted water, they had to pay the whole footage cost, and then as people tied on they got a credit back. This way, we handle it and we don't have to talk to a customer that seven years ago paid for postage. The record keeping got to be a nightmare; especially since it was for ten years.

Commissioner Smith commented that if we take a corner lot and only charge for the lowest frontage of the two, then we are losing tie on revenue for that longer side of every corner lot. If you took the whole subdivision and averaged it and picked up that corner, does the total dollar value of the subdivision tie on increase? Mr. Parrott replied that it depends on the subdivision, each one is different. Commissioner Smith went on to say that the total would not be any less than what we get now, but it potentially could be more.

IV. LAKE MCINTOSH UPDATE.

Mr. Jaeger reported that the timbering contract is drawing towards a close. It is probably 90 to 95 percent complete. The contractor is working on the northern reaches of the reservoir. He does not have an exact date of completion, but it is within a period of weeks of being done. They also have had some recent conversation with the archaeologist who has done some preliminary investigations on the mitigation sites. On two of these mitigation sites, the Denaly Wagner site and the Mixon site, they have found some prehistoric sites that he believes could be potentially significant and require further Phase I investigation. He has asked them for a proposal to provide that service, if the Corp confirms that it is necessary. He does not see that there is anything that is going to create a significant long term impact on the project, but there is more work to be done on that site. All that has been done is shovel testing.

Mr. Parrott stated that they found enough to denote these locations need further study. From what has happened in the past, with five sites, the worst that could happen is that we will have to do Phase II on each one of them. The native population here did not have a lot of stuff. Other than finding a burial ground similar to what you see in Okmulgee or something like that, there is nothing significant. If we had one of them on one of the sites, we would have already seen it.

Mr. Jaeger went on to say we have submitted to the Department of Natural Resources Safe Dams Program the drawings, the construction plans and specifications for their review. We are hoping that they will complete their review this spring. The County also has to acquire release of mitigation credits from a mitigation bank, which the County is contracted for this project. We are at a stage in the process where we have enough mitigation credits to do the timbering, but we need more in order to initiate construction. We also need approval by the Department of Natural Resources Safe Dams Program. We are hoping those things will coincide with each other. He would say that if things work out the way they are hoping they do, we could potentially bid the project to begin construction the summer of 2009. There are a lot of ifs there, but then we have further mitigation releases that would allow us to impound the reservoir, and the construction period would maybe be eighteen to twenty four months. And then, assuming that everything goes well, and the mitigation credits fall in place, then they allow you to close the gates and start impounding water. That process is weather dependent, but based on the large drainage basin to the reservoir; there is the potential that the lake could be full in one wet season. If all of those things happen in sequence, we are looking at a few years out before there is any kind of a reservoir there that would impact Mr. Carson's property. In the past, the process with the State has taken a year to get through their review and approval. We submitted the drawings in July, so we are hopeful that they will streamline that a little bit because of the drought situation. He has been told that they will, and we don't foresee any issues with the mitigation bank. They have to also go through their own evaluation and

approval through the Corp of Engineers before credits are released. We are dependent on their fulfilling their obligations to the Corp as well.

Mr. Jaeger mentioned that we should consider the need to fence the mitigation sites. The County has done that in the past. Number one, it helps define the property since the original owners maintain some of the surrounding areas. Also, for maintenance and operation of the site and protection of the plants that are put in there from cows and so forth. It is a wise decision to go ahead and do that. In the past the fence has been four foot hog wire style fencing. He just got a preliminary estimate on the perimeters of the six properties and they vary from about 4,200 feet to over 20,000 feet in perimeter. The total distance is around 70,000 feet of fence. It has been quite a while since we bid four foot hog wire fence, so he does not have a current construction cost, but if it were \$10.00 per foot, the cost would be \$700,000.00, potentially. He just received the perimeters late last night, so he will develop a construction cost and report back.

Mr. Parrott stated that with Lake Horton we had only one site (Sandy Creek) that we did not fence and that was a condition of purchasing the property. It was the one that we had the most trouble with. We have monitoring wells that were put in that you have to read every month, to make sure that when you report to the Corp that you kept the water level up. The gates we put in were opened up and the site was drained. On the Johnson site, they are going to plant 9,500 seedlings. Cows wandering through or four wheelers could cause a problem. At Sandy Creek we had to replant some areas, if you don't get growth in five years, they roll it over and keep coming back.

Chris Clark asked about liability issues. Mr. Parrott stated that we put signs up that trespassers are trespassing on County property.

Mr. Conner commented that he was visiting some people in the Planterra area this weekend. People have already started cutting the buffer, one almost to the point of clear cutting the buffer. Mr. Carson said that he assumes they will have to go by Peachtree City buffers. He does not know about the rest of Lake McIntosh. He asked what the buffer will be.

Mr. Parrott said that it falls in with the watershed protection plan that the City has adopted. That is what is enforceable in Peachtree City, but part of what Mr. Conner is talking about is County property that is between the edge of the lake and where the county property line is. This is different from the buffer. That whole area is the county's property plus the buffer from the county's property is what has been clear cut and trimmed.

Mr. Carson said what he understands from the City is the buffers are 100 foot undisturbed from the normal pool elevation at 150 foot impervious setback from normal pool. Mr. Parrott said that overlaps basically what this would be in most areas.

Mr. Parrott said we discussed this at the last meeting and we are sending out 127 letters to property owners. Enforcement is difficult because it is hard to catch them out there. Without any kind of penalty, there is no reason for them to not do it. They see a neighbor do it and nothing happens to him. Personally, if they cleared county property behind their lot, he would go in and put up a fence so they could not even get to the lake. Put a fence from one corner of their property to the other and put a sign on it that says No Trespassing. We have to comply with the Watershed Protection Plan in order to get a permit. The Marshal's office is responsible for enforcement, but you cannot take them to court unless you see somebody.

Commissioner Smith commented that it is almost a waste of postage to send the letters out, unless we can come up with something like a fence that is a temporary deterrent. He and Tony had a conversation the other day about putting a fence up just behind the person's property he cleared. How many times do you have to put a fence up on a cleared property before word gets around, that they are fencing off the lake every time it gets cleared. Then, you put a procedure in to remove the fence at some point in time, but in order to get the fence removed, they have to sign an agreement that they have responsibility for not clearing the buffer between their property and the lake. They can get the fence down, but they have to sign responsibility for the buffer. Now, you have an enforcement measure that if they cut the buffer, that the Marshal's actually can do something, because they have agreed they are responsible for it. The question is how many fences you have to put up, before it is a deterrent and you don't have to do it anymore. Otherwise you have zero enforceability, unless you want to station cameras out there to catch the people that are doing it. The only suggestion he had was that if it is a significant clearing effort, the chances are, it is probably a professional company hired to do it and there has to be a record somewhere in those companies' files that states they had a work order from a person to do the clearing and if you can get to that point, you have an enforceable action. Then the question becomes how you get to the point that you have the information on even what company to even go look at.

Mr. Parrott stated that with the auditing procedures that DNR now has, with the Metro District; they come in and audit to make sure that we are in compliance with all the rules in order to get permits, whether we are expanding the water plant or getting more withdrawals and we do not show that we are doing something to try to stop this.

Commissioner Smith said the only other thing he could suggest is that if we change the regulations about the buffering around the streams, and that is if you don't have a completely undisturbed buffer. That is getting into Watershed Regulations and he does not think we want to go there. They are holding us to compliance to what we have adopted. We have adopted the regulations that say it has to be undisturbed.

Mr. Conner asked what if we try what we did at Lake Kedron. Put up posts with a big sign. He knows it did not work well, but right now, in lieu of the fence, put up some signs. There is nothing there, and until they get the letter, they really don't know. Mr. Parrott said these people know where their property pins are. They bought, looking forward to the lake being there. Further discussion pertained to they might not be the original property owner and coming up with a plan for adopting a policy.

V. RATE INCREASE DISCUSSION.

Mr. Parrott stated that we were charging a \$10.00 minimum in 1987, in 1991 we charged \$12.00 and in fiscal year 1992 we went up to \$16.00 and it has not been changed since then. This \$4.00 bumped the rate up by 33%. This time we are looking at a 10% increase. At one time, we were the highest rate, now we are about midway on 7,000 gallons a month. Toni Jo Howard in Finance has played with the numbers, the debt coverage for what we will need for the bond issue from her figures would give us the 1.7 coverage for the future bonds. It is enough revenue to cover that.

Chris Clark asked if these figures take into account when we have another drought and we have another reduction, does this give us some cushion. Mr. Parrott stated that he is extremely comfortable with this. We did the work on the numbers, figuring that we would not have an open market on sales.

Mr. Parrott commented that the rate increase from Peachtree City Water & Sewerage Authority is not project related, but revenue related. Our rate increase is for the bond issue.

Vice Chairman Chris Clark made the motion, which was seconded by Chip Conner, to make a recommendation to the Board of Commissioners that water rates be increased by 10%. None opposed the motion.

There being no further business, Chairman Pete Frisina adjourned the meeting at 8:47 A.M.

Peter A. Frisina

The foregoing minutes were approved at the regular Water Committee meeting on the 12th day of November, 2008.

Lisa Quick